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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,338	02/09/2004	Hiroyuki Komai	1046.1309	8928
21171 7590 03/14/2008 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER KIM, JUNG W				
ART UNIT 2132		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/773,338

Applicant(s)

KOMAI, HIROYUKI

Examiner

JUNG KIM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the amendment filed on 12/13/07.
2. Claims 1-12 are pending.

Response to Amendment

3. The 112/2nd paragraph rejections to claims 4, 8 and 12 are withdrawn as the amendment overcomes the 112/2nd paragraph rejections.

Response to Arguments

4. Applicant's arguments with respect to amended claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

5. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al. US Patent Application Publication No. 20030131110 (hereinafter Chang) in view of Glassman et al. US 20030149900 (hereinafter Glassman).
6. As per claims 5, Chang discloses an authentication information processing device comprising: apparatus information acquiring module acquiring apparatus information of a user apparatus requesting a log-in (paragraph 28-32); log-in procedure determining module determining a log-in procedure to be applied to the user apparatus

on the basis of the apparatus information (paragraphs 30, 34 and 39); log-in accepting module accepting a log-in operation from the user apparatus; and log-in judging module judging, based on the determined log-in procedure and on the accepted log-in operation, whether the log-in from the user apparatus is permitted or not (paragraph 34).

7. Chang does not disclose a last log-in time storing module storing a last log-in time of the user apparatus, the last log-in time being related to the apparatus information; and a security level storing module storing a security level with a last log-in date related to the security level, wherein the log-in procedure judging module determines the log-in procedure by raising the security level when a period longer than a predetermined period has elapse since the last log-in time; the device further comprising an accumulated log-in count storing module storing an accumulated log-in count from the user apparatus with the accumulated log-in count related to the apparatus information, wherein the log-in judging module determines to the log-in procedure in accordance with the accumulated log-in count, wherein the log-in procedure judging module determines the log-in procedure by lowering the security level when the period since the last log-in time is shorter than a short predetermined period; further comprising security level determining module determining a security level for the user apparatus by referring to at least an accumulated log-in count, wherein the log-in procedure determining means determines the log-in procedure in accordance with the security level and the security level is lowered when formal log-in procedure is repeated. Glassman discloses a system for providing multi-class processing of login

requests, wherein information regarding prior login requests by the user are saved, such information including login cookie identifier, login cookie class, login-valid-after time, and invalid login count. (figs. 2-8) When a user having a second class cookie attempts to login at a time after the login-valid-after time, and if the user's credential information is valid, the user's security cookie is raised to a first class cookie. (paragraph 35) When a user having a first class cookie attempts to login at a time before the login-valid-after time, the user is denied access, and the user's security cookie is lowered to a second class cookie. (paragraphs 29 and 34) Also, if the user attempts a successive number of invalid login attempts, the user's security cookie is lowered to a second class cookie (paragraph 34), and/or the a login state of the system is changed from "normal" to "under attack." (paragraphs 41-43 and 59-63) Glassman discloses that such feature enables the system to identify legitimate login requests from login attacks. (paragraph 5) Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made wherein the invention of Chang further comprising: a last log-in time storing module storing a last log-in time of the user apparatus, the last log-in time being related to the apparatus information; and a security level storing module storing a security level with a last log-in date related to the security level, wherein the log-in procedure judging module determines the log-in procedure by raising the security level when a period longer than a predetermined period has elapse since the last log-in time; the device further comprising an accumulated log-in count storing module storing an accumulated log-in count from the user apparatus with the accumulated log-in count related to the apparatus information, wherein the log-in judging module determines to the log-in

procedure in accordance with the accumulated log-in count, wherein the log-in procedure judging module determines the log-in procedure by lowering the security level when the period since the last log-in time is shorter than a short predetermined period; further comprising security level determining module determining a security level for the user apparatus by referring to at least an accumulated log-in count, wherein the log-in procedure determining means determines the log-in procedure in accordance with the security level and the security level is lowered when formal log-in procedure is repeated. One would be motivated to do so to identify legitimate login requests from log-in attacks. The aforementioned cover the limitations of claims 5-8.

8. As per claims 1-4, they are claims corresponding to claims 5-8, and they do not teach or define above the information claimed in claims 5-8. Therefore, claims 1-4 are rejected as being unpatentable over Chang in view of Glassman for the same reasons set forth in the rejections of claims 5-8.

9. As per claims 9-12, they are claims corresponding to claims 5-8, and they do not teach or define above the information claimed in claims 5-8. Therefore, claims 9-12 are rejected as being unpatentable over Chang in view of Glassman for the same reasons set forth in the rejections of claims 5-8.

10. Claims 1, 2, 5, 6, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang in view of Henry US 5,774,058 (hereinafter Henry).

11. As per claims 5 and 6, Chang discloses an authentication information processing device comprising: apparatus information acquiring module acquiring apparatus information of a user apparatus requesting a log-in (paragraph 28-32); log-in procedure determining module determining a log-in procedure to be applied to the user apparatus on the basis of the apparatus information (paragraphs 30, 34 and 39); log-in accepting module accepting a log-in operation from the user apparatus; and log-in judging module judging, based on the determined log-in procedure and on the accepted log-in operation, whether the log-in from the user apparatus is permitted or not (paragraph 34). Chang does not disclose a last log-in time storing module storing a last log-in time of the user apparatus, the last log-in time being related to the apparatus information; and a security level storing module storing a security level with a last log-in date related to the security level, wherein the log-in procedure judging module determines the log-in procedure by raising the security level when a period longer than a predetermined period has elapse since the last log-in time; an accumulated log-in count storing module storing an accumulated log-in count from the user apparatus with the accumulated log-in count related to the apparatus information, wherein the log-in judging module determines to the log-in procedure in accordance with the accumulated log-in count. Henry discloses a remote access login system, whereby access is effectuated using a digital key, whereby the system stores the following key information: Last-Login-Date, Successive-Bad-PIN-Count (number of successive attempts with an invalid PIN), Status (active or deactivated key). (col. 11:27-40) When the number of successive attempts

with an invalid PIN reaches a certain threshold, the key is deactivated. (11:45-12:26)

Also, Henry discloses that the system stores an Idle-Key-Life variable, wherein if Idle-Key-Life days have passed since the last login using a particular key, the key is deactivated. (13:25-32; 20:12-26) Henry discloses that such features allow an administrator to configure operating parameters to prevent unauthorized personnel from accessing the device. (2:61-65) Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made for the invention of Chang to further comprise: a last log-in time storing module storing a last log-in time of the user apparatus, the last log-in time being related to the apparatus information; and a security level storing module storing a security level with a last log-in date related to the security level, wherein the log-in procedure judging module determines the log-in procedure by raising the security level when a period longer than a predetermined period has elapse since the last log-in time; an accumulated log-in count storing module storing an accumulated log-in count from the user apparatus with the accumulated log-in count related to the apparatus information, wherein the log-in judging module determines to the log-in procedure in accordance with the accumulated log-in count. One would be motivated to do so to allow an administrator to configure operating parameters to prevent unauthorized personnel from accessing the device. The aforementioned cover the limitations of claims 5 and 6.

12. As per claims 1 and 2, they are claims corresponding to claims 5 and 6, and they do not teach or define above the information claimed in claims 5 and 6. Therefore,

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claims 1 and 2 are rejected as being unpatentable over Chang in view of Henry for the same reasons set forth in the rejections of claims 5 and 6.

13. As per claims 9 and 10, they are claims corresponding to claims 5 and 6, and they do not teach or define above the information claimed in claims 5 and 6. Therefore, claims 9 and 10 are rejected as being unpatentable over Chang in view of Henry for the same reasons set forth in the rejections of claims 5 and 6.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Communications Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JUNG KIM whose telephone number is (571)272-3804. The examiner can normally be reached on FLEX.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jung Kim/

Patent Examiner AU 2132

/Gilberto Barron Jr/

Supervisory Patent Examiner, Art Unit 2132